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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
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12 GAGAN GAUTAM,

13 Plaintiff,

14 v.

15 OFFICER J. MARFIA,

16 Defendant.

Case No.: C 09-5088 PSG

**ORDER TO SHOW CAUSE WHY
CASE SHOULD NOT BE DISMISSED
FOR FAILURE TO PROSECUTE**

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18 Plaintiff filed the complaint in this action on October 26, 2009. The deadline for service
19 was 120 days from that date, February 23, 2010.¹ Thus, the time for service on Defendant has
20 expired. Defendant has not been served. Additionally, the parties were required to file a case
21 management conference statement on February 23, 2010 and to appear for a case management
22 conference on March 2, 2010.² None of the parties did so. Also, by February 23, 2010, the
23 parties were required either to file written consent to the jurisdiction of the magistrate judge or to
24 request reassignment to a district judge.³ None of the parties did so.

25 If the plaintiff fails to prosecute or to comply with these rules or a court order, the court

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27 ¹ See Fed. R. Civ. P. 4(m).

28 ² See 10/26/09 Order Setting Initial Case Mgmt. Conf. and ADR Deadlines (Docket No. 2).

³ See Civ. L.R. 73-1(a)(1).

1 may dismiss the action.⁴ Accordingly,

2 IT IS HEREBY ORDERED that Plaintiff show cause why the case should not be dismissed
3 for failure to prosecute. Plaintiff shall respond in writing no later than February 27, 2011. If
4 Plaintiff fails to show cause, this case will be reassigned to a district judge with a recommendation
5 for dismissal.

6 Dated: February 7, 2011

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9 PAUL S. GREWAL
United States Magistrate Judge

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⁴ See Fed. R. Civ. P. 41(b).

Counsel automatically notified of this filing via the court's Electronic Case Filing system.

copies mailed on 2/7/11 to:

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/s/ Kelly Lowenberg for
OSCAR RIVERA
Courtroom Deputy